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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 46th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 1 March 1993, at 7 p.m.

Chairman: Mr. FLINTERMAN (Netherlands)
later: Mr. GARRETON (Chile)

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The meeting was called to order at 7.15 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1993/7-E/CN.4/Sub.2/1992/55, E/CN.4/1993/36-44, 46-49, 75-76, 79, 82, 86, 95 and 99; E/CN.4/1993/NGO/6, 8, 12, 16, 23, 26-28 and 31; E/CN.4/1992/29, 30 and Add.1, 32-34, 50 and Add.1 and 51; E/47/240, 367 and Add.1, 596, 617, 621, 625 and Corr.1, 651 and 656).

1. Mr. MBENGONO (Observer for Equatorial Guinea) said that his country's new Constitution established the primacy of the law, political pluralism, freedom of association, the separation of powers and the independence of the judiciary. It extended the scope of the exercise of human rights and guaranteed the exercise of individual and collective rights. With a view to achieving full democracy, in 1992 the Government had promulgated legislation pertaining, inter alia, to amnesty, the legalization of political parties, assembly and association, trade unions, strikes, the press, the constitutional court and elections, in order to establish suitable conditions for the activities of the political parties and the exercise of the rights and freedoms of individuals.

2. It could be said that Equatorial Guinea had become a pluralist democracy with the legalization of 11 political parties which were in constant dialogue with the Government and had reached the final phase in the deliberations for the forthcoming legislative elections. That result had not been obtained without difficulty; situations of conflict had been created in the country by individuals in the service of alien interests while a country which claimed to be a friend of Equatorial Guinea, at a time when the latter country needed advice and assistance with regard to the exercise of individual and collective rights, was endeavouring to widen the breach between the Government and the people and to spread rumours which distorted the truth of the human rights situation.

3. He took the African Association of Education for Development to task for having claimed at an earlier meeting that the Government of Equatorial Guinea employed death squads which assassinated political opponents and carried out rapes and other atrocities. He assured the Commission that during the current period of transition all the country's political forces were collaborating in the process of democratization.

4. His Government had been disappointed and concerned at the contents of the report submitted by Mr. Volio Jimenez (E/CN.4/1993/48) on the human rights situation in Equatorial Guinea which had implied that nothing had changed since 1991. It seemed that the author had been unaware of the legal and social changes which had taken place in 1992, and that instead of making an objective study of the situation he had merely prepared his report on the basis of news supplied by the press and third parties. The organization which had allegedly been the source of his information had no legal existence in Equatorial Guinea.

5. The Government understood that civil and political rights could not be dissociated from economic and social rights; the international community had the obligation to advise, assist and cooperate with States to achieve those rights. Equatorial Guinea had confidence in the international organizations and was persuaded that the Commission would support its efforts to bring about a free democracy in the country.

6. Mr. CANKOREL (Observer for Turkey) said that neither socio-economic rights nor democratic rights and freedoms were sufficiently developed in United Nations international law instruments. Another shortcoming of the United Nations system was that it monitored alleged violations of human rights while totally ignoring the domestic and external social and political context within which the violations were committed. As a result, countries could be criticized freely. Political motivations were concealed behind the argument that the Commission could deal with violations but not with country situations. The Commission on Human Rights was as much a political as a legal body and needed to study the causes which gave rise to violations if they were to be tackled effectively.

7. Most violations were alleged to have taken place in countries where terrorist groups operated and states of emergency existed. In the post-cold war era, it was religious and especially ethnic terrorist groups which were coming to the fore. Everything indicated that ethnic terrorism would increase in the future.

8. Terrorism had never challenged totalitarian States which by definition deprived people of human rights and freedoms, thus theoretically creating a suitable ground for terrorism. Historically, terrorists chose to fight democratic and loosely authoritarian regimes as well as declining empires and had always been active in political environments where there were other, more peaceful ways of solving conflicts. Despite atrocious massacres and assassinations, not once had terrorists seized political power or replaced a regime with their own. Communist regimes which had taken power by force had used terrorist tactics only in their broader political strategy for revolution. Moreover they had failed to realize their idealistic programme; the terrorist means employed would seem to have overwhelmed their lofty objectives.

9. Recent studies on terrorism had indicated that terrorists tended to fall short of achieving their objective, even when conditions were ripe for them, because they feared success, the continuation of their bloody career being more essential for their identity and "raison d'être". The zones in which they operated became a devastated area where there could be no socio-economic development or democratic progress, and their first target was the very people whose rights they claimed to defend; they killed to ensure obedience, for recruiting purposes, to settle personal scores and to terrorize the innocent. Modern terrorism needed a great deal of money, high technology weapons and expensive organization. It was no coincidence that terrorism had a chance of success when supported by other States as substitute warfare, and that the drug traffic was the main source of revenue.

10. In the final analysis, terrorists aimed at destroying the political order and felt justified in employing any means to that end. They thus brought societies back to the Hobbesian state of nature. The accumulation of human civilization with its concept of legality and its ethics, morals and other values was lost. In that chaos they reduced the security forces to their own level of regression. Most human rights violations seemed to be committed in that context.

11. The question was what in the west made some, perhaps most, human rights circles sympathize with terrorist movements. It would seem they thought that the deep frustration caused by "repression" created terrorists, who originally were delicate souls ready to sacrifice themselves for others. They also believed that if a "just" solution were found, terrorism would logically disappear. They thus romanticized terrorism particularly when it occurred in distant countries. Those circles generally supported terrorist warfare as an unfortunate but necessary path to a more humane order. Even lawful repression of terrorist activities by security forces was considered to be a violation of human rights. The Centre for Human Rights was inundated with allegations set out in the form of prototype communications which did not comply with the criteria required in the relevant resolutions in providing clear evidence for their allegations or in checking whether domestic remedies had been exhausted.

12. Momentous developments were taking place in Europe, which was integrating not only economically but also politically. However, the integration process meant that the nation-state was disintegrating in order to merge into a larger political union with increasing prominence for regions, minorities and ethnic groups. That situation might explain the resurgence of ultra-right parties as centripetal forces.

13. Human rights circles were intellectually affiliated with the centrifugal forces which defended the rights of minorities, ethnic groups and regions as the building blocks of the future European integration; they naturally identified themselves with ethnic groups in the third world and newly independent countries.

14. It should not be forgotten that most of the people belonging to those circles were ex-adepts of revolutionary socialism, continuing their former career who had lost their social project and hence their "raison d'être". Nowadays, they defended first, ideological and later ethnic terrorists under the heading of human rights. In Europe, they tended to identify the ultra-right parties in their own countries with countries where ethnic groups and terrorists were supposedly repressed. In defending the ethnic groups against those States, they unconsciously defended themselves against the potential violence of the ultra-right. That so-called "universal" aspect of human rights arose out of a Europe which integrated by disintegrating and projected its own reality on to countries in a totally different situation, causing their disintegration without a corresponding integration process. It was not astonishing that efforts by human rights circles to promote respect for human rights in other countries had failed to date. They were doomed to failure so long as they failed to notice the difference in the respective social contexts, no matter what was done to increase the efficiency of the human rights instruments.

15. Mr. MBARUSHIMANA (Observer for Rwanda) said that it was with great bitterness that his delegation noted that gross violations of human rights were particularly to be found in regions where unacceptable policies and practices, such as apartheid, racial discrimination, ethnic cleansing, religious intolerance or interference in the internal affairs of States occurred and hoped that the forthcoming World Conference on Human Rights would find ways of improving those situations.

16. He wished to draw the Commission's attention to the fact that his country had for more than two years been torn apart by a war provoked by the Rwandan Patriotic Front (FPR-INKOTANYI). The population was not accustomed to dramatic situations of that nature and it had not always been easy to control its reactions; the Government of Rwanda recognized with regret that human rights violations had probably occurred as a result of the fighting and the ensuing inter-ethnic and political unrest.

17. Recalling the measures taken to promote national reconciliation, in 1991 the Government had freed all persons detained as a result of the war and amnestied all those who had been sentenced. The Government had also endeavoured to halt the inter-ethnic and political unrest and to bring to justice all those involved in them. It was therefore pure demagogy to claim that the Government of Rwanda had intended to exterminate the Tutsi minority. Since it had come to power in April 1992, the transitional Government of Rwanda had given the highest priority to the peace negotiations and had immediately undertaken negotiations with the FPR-INKOTANYI as the only possible means of putting an end to the war. The negotiations had already led in 1992 to a cease-fire agreement and to protocol agreements. During the final period of negotiations the two parties would be considering the formation of a national army, the problem of Rwandan refugees and constitutional questions.

18. The population of Rwanda had placed all its hopes in the peace negotiations but the FPR-INKOTANYI had unexpectedly resumed hostilities in February 1993 and violated the cease-fire agreement which had been the basis of the political negotiations. Since then, it had committed unspeakable atrocities on a large scale, massacring local administrative and political authorities and the civilian population, raping women and destroying social infrastructures. He gave a detailed account of those atrocities. His Government urged the non-governmental organizations in particular not to be misled by the lies of the FPR since not all human rights violations in Rwanda were necessarily committed by the Government or the army. He reminded the Commission that the Government of Rwanda had hosted an international commission of inquiry in January, whose mission had been to elucidate all the human rights violations in the country since the outbreak of war in 1990. The Government of Rwanda had agreed to take all necessary steps to implement the recommendations which that Commission would make in its report. It further appealed to the international community to assist in persuading the FPR to cease hostilities and to permit the conclusion of the political negotiations, which were reaching their final phase, since that was the only means of resolving the conflict in Rwanda.

19. Mr. HEBIBASI (Observer for Albania), commending the Commission's vigilance on behalf of human rights worldwide, stressed the importance of consistent cooperation between States and between leading international organizations in the domain of human rights. For its part, Albania, which had set out along the road to democracy and the realization of human rights and fundamental freedoms for all, was determined to assume all the obligations entered into by virtue of its adhesion to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and other relevant instruments; it had already demonstrated its willingness to collaborate to the full with the Commission and with the Centre for Human Rights.

20. Difficulties notwithstanding, considerable progress had been made in modifying the country's legislation, and notably in revising the Constitution so as to obtain and buttress the exercise of civil, political, economic, social and cultural rights of every kind. Existing institutions had been reformed and restructured to the same end; and new institutions - including a pluralistic Parliament - had been set in place. The primacy of law had been established, and a proper division created between the legislative, executive and judicial branches of government and administration. Steps had also been taken to humanize the processes of law enforcement. Various bodies, including a parliamentary commission and a number of non-governmental organizations, had been set up to watch over and promote human rights. Refuting certain allegations, he stressed that the Albanian Government adhered firmly to the principle of non-discrimination, and was committed to ensuring that the rights sanctioned by law were enjoyed by all citizens, including persons belonging to minority groups. Concerning the problems of minorities in general, he added that they should be addressed in a climate of mutual understanding and a spirit of cooperation.

21. Ms. NDOMA (International Federation of Human Rights), speaking also as a member of the Zairian League for Human Rights, appealed for greater firmness on the part of the Commission with regard to the extreme deterioration of the situation in that country, which was shaken to its very foundations by general insecurity, acts of aggression and intimidation and chaotic circumstances encouraged by the Head of State. A mockery was being made of democratic institutions and procedures; the armed forces had lapsed into a state of chronic indiscipline and barbarity, at enormous cost to human lives - including that of the French Ambassador - and to the country's economy; harassment or worse were the daily lot of peaceful citizens, menaced by penury of all kinds, deprived even of education and of the means of informing themselves through an independent press. The legal system was paralysed, impunity was rife. Zairian human rights organizations, which had grouped together in a committee entitled "Droits de l'Homme, Maintenant" called on the international community to intervene; FIDH and the Zairian League for Human Rights would urge the Commission to appoint a special rapporteur to investigate the situation under agenda item 12 and to make the findings public.

22. Turning to the situation in Rwanda, she said that FIDH and Africa Watch were convinced after serious inquiry that acts of genocide had indeed been committed there against the Tutsi people, with the complicity or participation

of agents of the State, members of the armed forces or members of the Front Patriotique Rwandais. There, too, daily life was punctuated by violence, brutality and intimidation, the judicial system was hamstrung, and the perpetrators of human rights violations acted with impunity, terrorizing in particular those who collaborated in the quest for truth about the situation. FIDH again called on the Commission to respond more vigorously to that state of affairs.

23. Mr. AROCA (International Federation of Human Rights) said that his organization also wished to refer to the even graver pattern of persistent human rights violations in Peru. A few days previously, in a statement to the Commission, the President of the Council of Ministers and Minister for Foreign Affairs of Peru had said that his country had ceased to be ungovernable and that it was now in a position to draw up a programme of measures to deal with situations that had been the subject of criticism. In fact, however, Peru had enacted a series of legal measures totally incompatible with its international obligations in the field of human rights. According to the Minister, President Fujimori had stated that the International Committee of the Red Cross and other humanitarian organizations had free access to detention centres in Peru. In the past, however, President Fujimori had given similar undertakings that had not been fulfilled in practice. Throughout 1992, for instance, the Government of Peru had hampered visits by ICRC to prisons, preventing it from conducting private interviews with the detainees and accusing it of tarnishing Peru's international reputation.

24. The Minister had admitted to the Commission that terrorist violence in Peru had led to a backlash in which some members of the forces of law and order had become involved in human rights violations. As an example he had cited the bringing to justice of an army officer in the Santa Barbara case. It bore noting, however, that that case had taken one year and seven months to resolve; meanwhile, the military courts had tried and sentenced to life imprisonment 104 civilian detainees in a period of only six months, in trials that had lasted less than 30 days.

25. Impunity continued to be the principal distinguishing feature of human rights violations in Peru. Between 1980 and 1992 there had been 28,809 victims of political violence. The Peruvian State was responsible for 53 per cent of that total. There had been 304 disappearances in 1991, 112 in 1992, and more than 100 extrajudicial executions attributable to the forces of law and order. Ninety per cent of persons detained for any type of offence were tortured. His organization called upon the Commission to urge the Peruvian Government to comply with its commitment to observe the international human rights instruments to which it was a party; to allow the International Committee of the Red Cross access to prisons, to punish those State agents responsible for human rights violations, and, in particular, to state its position on Peru and to appoint an independent expert.

26. In Guatemala, no sector of society had been spared from violations of its most fundamental human rights. In the past year, the Guatemalan Commission on Human Rights had recorded 1,427 violations of the right to life, freedom and security of person. In view of the persistence of those massive violations of human rights, the Commission should consider the case of Guatemala under its agenda item 12.

27. Mr. MOCONG (World Alliance of Reformed Churches) referred to violations of human rights and fundamental freedoms in Equatorial Guinea. Equatorial Guinea was not exempted from the commitments set forth in the Charter of the United Nations, and in the African Charter on Human and Peoples' Rights. Its Government was also party to the International Covenant on Civil and Political Rights, to the International Covenant on Economic, Social and Cultural Rights, and to the Optional Protocol thereto. Yet human rights continued to be flagrantly violated in that country; the political and institutional system seriously impeded the free exercise of fundamental freedoms and the legal protection of those freedoms. Freedom of religion and worship were seriously restricted, as were freedom of opinion and of expression. Initiatives by churches in Europe and Equatorial Guinea aimed at securing the voluntary return of exiles had also failed.

28. His organization was encouraged to note that on 10 February 1993 the Government and Opposition parties had begun talks with a view to restoring calm to society. Constructive efforts and good faith, rather than further destruction, were needed in order to reach agreement on the type and pace of the reforms to be undertaken.

29. While persons or groups in Equatorial Guinea continued to use freedom as a stick with which to beat others, rather than as a right to be accorded even to opponents, and until the majority accepted that freedom could flourish only in a framework of the rule of law, talk of freedom would remain idle rhetoric. True freedom was inseparable from sound laws, independent judges and responsible officials, and above all, required civilized political leaders of proven rectitude. The Commission should continue to exert pressure on the Government of Equatorial Guinea to change its policy of repression and intimidation, and should continue to consider human rights in Equatorial Guinea under item 12 of its agenda.

30. Mr. BALIAN (Human Rights Advocates) addressed the human rights and humanitarian consequences of the use of blockades to prevent food, medicine and other essential supplies from reaching civilian populations, pointing to the convergence that frequently occurred between breaches of humanitarian law and gross violations of human rights during armed conflicts. The essential purpose of humanitarian law was to prevent, to the extent possible, unnecessary suffering and to protect civilian lives; the non-derogable right to life was also enshrined in human rights law; certain sections of civilian populations were, moreover, afforded special protection by the laws of war, including, for example the 1949 Geneva Convention on the subject.

31. Humanitarian as well as human rights law prohibited States from targeting civilian populations in order to extract political or military concessions in their bilateral relations in times of peace or in their attempts to resolve internal or international conflicts. Yet the international community was confronted with many conflicts in which the entire civilian populations of a disputed territory or neighbouring State were deprived of the most basic and essential means of sustaining life. The blockades of parts of the former Yugoslavia, Bougainville, Armenia, Nagorny-Karabakh, and parts of Abkhazia were but a few examples. Singling out for particular attention the blockade imposed on Armenia by Azerbaijan for more than three years, he described the hardship inflicted on the people of the country, notably in the capital,

Yerevan. UNHCR, UNICEF, the International Committee of the Red Cross and a score of other international humanitarian agencies had organized a massive aid campaign to alleviate some of the suffering in Armenia. However, humanitarian and charitable assistance could produce only limited results so long as the blockade continued.

32. The humanitarian crisis in Armenia was closely linked with the conflict over Nagorny-Karabakh; and the blockade, which had created a catastrophic humanitarian situation in the area with the added risk of a potential nuclear accident that would contaminate the entire region, constituted an important obstacle to the peace effort. Human Rights Advocates would urge the Commission and the international community to call upon all parties concerned immediately and unconditionally to cease hostilities and to end all blockades, and to rely on dialogue, negotiation and mediation in resolving the Nagorny-Karabakh conflict.

33. Ms. RUMSEY (Commission of the Churches on International Affairs of the World Council of Churches) called particular attention to the serious human rights situation in various countries: in Sri Lanka, where cosmetic operations had failed to conceal the continuing imposition of hardship, including an embargo on the movement of essential items; in Bougainville, where the military blockade - affecting medical as well as other supplies - persisted and where atrocities by the security forces were regularly reported; in East Timor and Indonesia, where continued military repression and virtual impunity for violators of human rights went hand in hand and where State intervention in the internal matters of the Church had caused tension; in Haiti, where peasant communities and their organizations, political opponents of the regime, students and teachers, independent radio stations and members of the various religious denominations had been singled out for especially severe, massive and persistent repression; in Guatemala, where tentative peace negotiations and gestures of appeasement had not fundamentally changed the human rights situation, which was characterized by denunciations, harassment and brutal intimidation and where the appointment of a Special Rapporteur by the Commission was called for; in Colombia, where the situation was characterized, in the words of the Special Rapporteur, by "continued human rights violations, including extrajudicial, summary and arbitrary executions" and by impunity and the absence of compensation; in Zaire, where the Government of President Mobutu continued to obstruct democratization and to deny human rights, and where the serious maltreatment of minorities in the province of Shaba required investigation; and in the Sudan, where the situation continued to give rise to deep concern.

34. On the credit side, the tentative steps towards peace being made in El Salvador were encouraging, although human rights violations continued, new mechanisms to protect human rights remained weak and key provisions of the peace accords, particularly those dealing with the purging of the military, had yet to be implemented. The Commission should be invited to maintain El Salvador under agenda item 12, with the appointment of a Special Rapporteur.

35. Mr. Garreton (Chile) took the Chair.

36. Ms. BRIE (France-Libertés Fondation Danielle Mitterrand) said that the Foundation, together with the National Coordinating Council for Human Rights in Peru, remained deeply concerned by the situation in that country, which had further deteriorated following President Fujimori's coup d'état and the resurgence of repression in 1992, under the continued impact of barbarous behaviour on the part of Shining Path and above all as a result of the serious and systematic violations of human rights - in the classical manifestations of disappearances, murder, arbitrary detention, torture and extrajudicial executions - that were the consequences of a government strategy that ran counter to the objectives of peace and development. The judiciary had lost its authority, and only dilatory attempts were being made to investigate, bring to justice and punish human rights violators.

37. All the actions and circumstances she had mentioned should be vigorously condemned by the Commission, which should appoint a special rapporteur to investigate the situation and work for the constitutional reform that would restore respect for human rights, the replacement of officials directly responsible for the violation of those rights and observance by Peru of the provisions of the human rights instruments it had ratified. More generally, the international community should demonstrate in practical fashion its solidarity with the victims of political violence, and none more so, in a year when their fate and that of similarly situated groups was the subject of particular attention, than the indigenous people of the country.

38. The Foundation's experience over a period of several years in the Kurdish region of Iraq had convinced it that large-scale massacres, that might well correspond to the definition of genocide given in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide had been perpetrated by the Iraqi authorities, together with other human rights violations and injury to people's health. Iraq continued to defy United Nations resolutions, and to repress the Kurdish and Shiite population, making a mockery of its undertakings not to impede the delivery of humanitarian aid. The Foundation believed that the time had come to establish a United Nations protectorate over the entire Kurdish territory along and beyond the thirty-sixth parallel; and for the international community to recognize that the crime of genocide had indeed been inflicted on the Kurdish population in Iraq, and to call those responsible to account.

39. The Foundation and the International Federation of Human Rights also wished to denounce the massive and systematic violations of human rights taking place in south-east Turkey, a region in which IFHR had conducted five missions in the past seven months. Well-founded reports corroborated by other organizations established that the number of extrajudicial executions had increased in recent months, with a total of about 500 persons summarily executed in 1992, including opposition and human rights activists, journalists, lawyers and doctors. Torture was now so widespread that human rights associations in Ankara and Diyarbakir placed it only fourth on their list of priorities, after extrajudicial executions, massacres of villagers and abductions. The latter phenomenon had increased significantly in recent months.

40. The systematic destruction of some 250 villages by the Turkish army, and massacres of their inhabitants, could only be the result of deliberate policy

decided at the highest level. Some massacres of civilians had been committed by security forces disguised as members of the Kurdish Workers' Party (PKK), which was then blamed for the massacres, a false accusation subsequently taken up in the international media.

41. While PKK's excesses must once again be condemned, they could no longer be used to justify the massive and flagrant violations of human rights taking place in south-east Turkey. The Turkish authorities appeared to be determined to reap the maximum benefit from the blind eye turned by the international community, and especially by the Western countries. There could no longer be any doubt that the Turkish authorities were bent on driving the Kurds to leave their villages and flee. They were also threatening to declare the HEP an anti-constitutional organization, and calling for the death penalty in the trial of its leaders before the State Security Court. The stage was thus set for a radicalization of the conflict, which extremists would then be able to turn to their own ends. Meanwhile, moderate elements in the Kurdish community spoke openly of a policy of genocide. She thus called upon the Commission to take measures commensurate with the seriousness of the situation, by appointing a special rapporteur on Turkey.

42. Ms. COOK (Amnesty International) said that, to judge from the persistence of extrajudicial executions and disappearances in all regions of the world, one might suppose that the international community had never turned its attention to those issues.

43. In Iraq, hundreds of people had been the victims of the Government's policy of disappearances and extrajudicial executions in 1992. They included Shi'a Muslims arrested after the March 1991 uprising and reportedly executed between March and June 1992, scores of unarmed civilians killed in the southern marshes following attacks on civilian targets, and hundreds who had disappeared in custody following a "punitive campaign" the previous October. The fate of at least 200,000 Kurds and Arabs who had "disappeared" since 1988 remained unknown. If such violations were to be prevented in the future, it was imperative that the Commission should now respond to the proposal made by its Special Rapporteur a year previously, and endorsed by the General Assembly, to establish a human rights monitoring operation in Iraq.

44. There had been little response on the part of the international community to the massive scale of extrajudicial executions and disappearances over the past three decades in Indonesia and East Timor, where, following the arbitrary execution of up to 1 million citizens in the aftermath of a military coup in 1965, tens of thousands of people had since been killed, including some 2,000 civilians in Aceh and North Sumatra extrajudicially executed since 1989.

45. In Peru, in the two and a half years since President Fujimori's accession to power, her organization had documented 479 unresolved disappearances and a further 211 extrajudicial executions; the actual numbers were probably far higher, since many violations went unreported. Responsibility for the vast majority of documented cases had been attributed to the army; yet not a single member of the armed forces was known to have been convicted for violations by the present or previous two Governments.

46. In many countries, members of vulnerable groups were at particular risk of extrajudicial execution or disappearance. In Myanmar, members of ethnic minorities had been the primary targets. Civilians forcibly conscripted to work for the security forces had been shot or beaten to death when no longer able to perform their duties, or for attempting to escape.

47. In the Sudan, the army and militia had been responsible for tens of thousands of extrajudicial executions in the war zones since 1983. In the past two years hundreds of people had been extrajudicially executed during forced removals of local residents from the Nuba Mountains. Between June and August 1992 government forces had reportedly killed at least 300 people in the besieged city of Juba, and hundreds of others had been arrested or had disappeared.

48. In south-east Turkey, security forces had killed at least 100 apparently unarmed civilians in 1992, during peaceful demonstrations or in random firing on residential areas in alleged retaliation for attacks by the Kurdish Workers' Party (PKK). Nearly 100 other civilians, including journalists reporting on human rights violations, had been victims of possible extrajudicial executions by security forces; while many of the more than 260 political killings attributed to the fundamentalist organization Hizbullah appeared to have been committed in collusion with security forces. In Burundi, too, the authorities had refused to investigate extrajudicial executions over the past two decades, including the killing of at least 1,000 people by security forces in November and December 1991, most of them from the Hutu minority.

49. It was essential to press for the resolution of cases of disappearances until the fate and whereabouts of the victims had been established and the perpetrators brought to justice. In Morocco, more than 270 disappeared persons had "reappeared" in 1991, some of them after 18 years of secret detention. Although her organization was not aware of any new cases of disappearance since 1988, the liberty of those released was still restricted, none of those responsible had been brought to justice, and hundreds still remained unaccounted for.

50. Nor were human rights protection mechanisms in themselves likely to be sufficient to halt extrajudicial executions and disappearances, unless Governments had the political will to take effective measures to establish the truth and bring those responsible to justice. That will was still notably lacking in Colombia, where members of the armed forces and paramilitary groups continued to commit violations with impunity, notwithstanding important new human rights protection mechanisms established in the past two years. Similarly, in Sri Lanka, where the Government had stated that it would implement most of Amnesty International's recommendations and bring those responsible to justice, investigations had been slow. After several years, few of the trials - usually of police officers, not of soldiers - had concluded; and the only massacre by soldiers to have been the subject of an independent commission of inquiry had resulted in the acquittal of 19 of the 20 defendants by a military court.

51. Although her organization recognized that a number of those violations had taken place in the context of abhorrent abuses by armed opposition groups,

the scale and gravity of such violations could nevertheless no longer be ignored. In October 1993 Amnesty International would launch a major international campaign against extrajudicial executions and disappearances, to raise international awareness of the measures still needed to combat those crimes. It would demand that Governments act immediately to stop those violations, ensure the safety and physical security of everyone put at risk by those practices, account for all victims, ensure impartial and effective investigations, and bring those responsible to justice.

52. She also called for further efforts by the United Nations to address those and other gross violations of human rights in the context of the World Conference on Human Rights. In a paper prepared for that Conference, Amnesty International was calling for the appointment of a United Nations Special Commissioner for Human Rights, since violations often demanded an urgent and authoritative response at a high level.

53. Mr. MENDEZ (American Association of Jurists) said that the existence of an elected civilian Government did not automatically guarantee democracy. As Director of the Centre for Research, Study and Promotion of Human Rights in Guatemala, he could testify to the Commission that there had been no significant improvement in the human rights situation in Guatemala. On the contrary, in recent months, the Government's unwillingness to tolerate humanitarian activities had found expression in attacks on organizations for the defence of human rights, churches, academic and intellectual circles and the media, which were branded as subversives and enemies of peace and democracy. Violators of human rights continued to enjoy total impunity. Key witnesses in the Mirna Mack murder trial had been compelled to flee the country. The Comunidades de Población en Resistencia (CPRs) continued to be subjected to indiscriminate bombardment by the army. There had been an alarming increase in attacks on street children in 1992, most of them committed by the State security forces. Enforced conscription by the army, especially in rural areas with indigenous populations, was a denial of the right of conscientious objection. Violations of individual rights, torture, illegal detention, enforced disappearances, and restrictions on freedom to travel and freedom of association, organization and expression continued to be common practice among the armed and State security forces.

54. His organization was aware that United Nations advisory services played an important role in the promotion of human rights. But those services must not be used as a means of deflecting criticism from Governments guilty of human rights violations. The persistence of serious and massive violations of individual and collective rights in Guatemala called for closer attention on the part of the international community. The Commission should now make a more objective assessment of the human rights situation in Guatemala, by considering the matter under agenda item 12, and by appointing a special rapporteur on Guatemala.

55. Mr. BRODY (International Human Rights Law Group) said that over the past year the United Nations had made significant advances in dealing with violations of human rights. In particular, the idea of on-site monitoring as a way of preventing violations was beginning to take root, albeit in a haphazard fashion. United Nations personnel deployed as part of peace-building operations in El Salvador and Cambodia had had an important

dissuasive effect on violations; however, they had no connection with the Commission or the Centre for Human Rights, and both operations had subordinated human rights concerns to higher political objectives. United Nations and Organization of American States monitors were taking up posts in Haiti to try to stem the violence and create the conditions for a political solution. The OAS monitors, however, had no background in human rights; and the Inter-American Commission on Human Rights had complained that it was shut out of the operation. When the United Nations Transitional Authority in Cambodia withdrew, the Centre for Human Rights would take up an operational presence; but it was unclear whether its mandate was to assist the new Government or to monitor abuses. The Special Rapporteur on the former Yugoslavia had been given the assistance of on-site monitors; but a similar request by the Special Rapporteur on Iraq had been turned down.

56. The heart of the protection system, however, remained the Commission's country-specific rapporteurs. His organization believed that the situations in most countries now under scrutiny by Commission rapporteurs unfortunately warranted the renewal of their mandates. In addition, it believed that the worsening situation in the Sudan demanded public scrutiny of that country's record. The tragedy of East Timor, where some 200,000 people - more than one quarter of the population - had died as a result of Indonesia's illegal occupation, must also be the subject of more careful attention than it had hitherto received from the Commission. His organization was sure that, once the report of the Secretary-General's Personal Envoy Amos Wako had been released, it would confirm the deliberate nature of the army's November 1991 massacre; and it saw little reason for sending Mr. Wako on a second secret mission unless that report was first made public. With regard to El Salvador, the report of Mr. Nikken (E/CN.4/1993/11) illustrated the many ways in which the Government had failed to comply with the human rights accords, and should convince the Commission that it was too soon to relax its scrutiny. Finally, the Commission must accept the need to treat Guatemala as a situation of gross and pervasive violations of human rights.

57. The pattern of gross violations in Myanmar continued to include torture, arbitrary detention, executions and severe restrictions on political freedoms. The State Law and Order Restoration Council (SLORC) had announced that it would not allow new elections until the military had secured a permanent leading role in government, and was forcing delegates to a so-called National Convention to draft a constitution ensuring a leading role for the military. Only 90 of the 700 delegates to the National Convention were from the National League for Democracy (NLD). The restrictive atmosphere surrounding the Convention likewise rendered free debate impossible. Participants had been warned that they must not instigate "unrest" and that there would be no immunity from prosecution for statements made at the Convention. None the less, the Convention had been abruptly suspended on its second day when some of the delegates had expressed dissent with the agenda. At the recent reopening of the Convention, delegates had been told to be guided unswervingly by the six objectives specified by the military.

58. The human rights situation in Myanmar reflected that iron grip. Daw Aung San Suu Kyi remained in detention, along with an estimated 1,000 to 1,500 other political prisoners. Estimates of the internally displaced ranged between half a million and one million, with the Government forcibly

relocating entire villages and city districts at only days' notice. The regime continued to coerce civilians to serve as weapons carriers, human mine-sweepers and prostitutes for army operations. More than 350,000 residents had fled to Bangladesh, Thailand and China.

59. The human rights situation in Haiti had deteriorated appreciably during 1992. The United States Government's policy of repatriating Haitian asylum-seekers intercepted at sea contributed to that new reign of repression and violence. The regime had quickly reversed the progress made by the constitutional Government of President Aristide in promoting respect for human rights and the rule of law, and had reinstated brutal and corrupt military officials and the dreaded section chiefs in the countryside. Newly appointed independent judges and prosecutors had been dismissed. By November 1992, the regime's record had included at least 1,800 illegal executions, 5,000 kidnappings, disappearances and arbitrary arrests, and 2,100 documented victims of torture, shootings and beatings that had led to at least 30 deaths in detention.

60. In response to that new reign of terror, at least 200,000 Haitians had gone into hiding, and at least 40,000 had risked their lives by fleeing the island in boats. In May 1992, the then United States President, Mr. Bush, had authorized the United States Coast Guard to return all Haitian migrants intercepted at sea directly to Haiti, without prior determination of their eligibility for asylum. Despite campaign promises, President Clinton had since refused to rescind that executive order. The United States Government reported that from May to September 1992 alone, 26,892 Haitians had been returned to Haiti. Upon repatriation, many went into hiding. Others were arrested on arrival, or subjected to other violations.

61. By returning to Haiti those vulnerable to torture and execution, the United States of America was violating the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which the United States Senate had approved for ratification. By returning Haitian asylum-seekers to a country without determining whether they faced a well-founded fear of persecution, the United States policy also violated the norm of non-refoulement. In addition, some 266 Haitians eligible for further asylum processing were detained indefinitely at the United States Naval Base at Guantánamo Bay, Cuba, because they were infected with the HIV virus. That detention infringed upon their right to seek asylum, which was recognized by article 14 of the Universal Declaration of Human Rights. Pending the return of President Aristide, which constituted the only viable solution to the Haitian crisis and the refugee outflow, the United States of America and others must respect the principle of non-refoulement.

62. Ms. PLUMMER (International Association against Torture) said that her organization attributed the persistent and consistent violation of human rights and fundamental freedoms in any part of the world to the absence of justice in the world. If there was no justice, there could be no peace. If those who had suffered under the old world order could receive no justice in the real democratic sense, then there would be no lasting peace in any region. Proof of that could be seen in the large number of United Nations peacekeeping operations around the world.

63. Her delegation believed that unrest resulted from a policy aimed at maintaining a status quo beneficial to the developed Northern world at the expense of the developing Southern countries. The policy of fomenting many pockets of infighting even among homogeneous groups was being carried out through a new form of the classic "divide and conquer" tactics. The result was a series of smouldering conflicts around the world, any one of which could explode into full-scale warfare at any time. Underlying the policy of maintaining the dominance of one super-Power was the philosophy that division was better than unity. In that connection, she said that in its defence planning guidance for the fiscal years 1994-1999 the Pentagon had stressed the need for the United States to maintain the mechanisms for deterring potential competitors from ever aspiring to a larger regional or global role. The policy was often carried out indirectly, by example. The North did not acknowledge its human rights violations and its Southern surrogates therefore saw no need to abandon theirs. Countries which dared to challenge that double standard faced the loss of desperately-needed funds from the United States-controlled IMF/World Bank.

64. The highly-acclaimed United States democracy was one in which "by 1989, the top 1 per cent was worth more (in wealth) than the bottom 90 per cent of Americans". Concentration of wealth in the hands of an infinitesimal minority might not constitute a human rights violation but the results certainly did. In September 1992, The New York Times had reported that the number of homeless families entering New York City's troubled shelter system during that summer had been almost twice the previous summer's level.

65. Drugs devastated black and Latino communities across the country, killing the spirit of users and corrupting youth. After referring to police violence against the black and Latino communities in various parts of the United States, she noted that according to the National Commission on AIDS, that disease disproportionately affected ethnic minorities and had to be regarded as a racial issue because discrimination contributed to its spread. The influx of sophisticated weapons into those poor communities was the result of the same super-Power policy that had flooded Somalia with weapons and fed the current chaos which had been used to justify "humanitarian intervention".

66. Non-democratic regimes, were more concerned with remaining in power than in protecting human rights. In Guatemala, there was increasing evidence of the Government's policy of human rights abuse of the majority indigenous population.

67. In El Salvador, there had been no real change in the institutions responsible for human rights violations.

68. Despite recent changes in the world, the Republic of Korea still maintained its cold war warrior mentality, which was clearly demonstrated by its refusal to repatriate Li In Mo, a North Korean correspondent held as a political prisoner for over 34 years. The Government also continued to apply the anachronistic National Security Law which had led to criminal convictions of people seeking reconciliation between the North and the South, of university researchers, and of workers in possession of so-called

subversive books. Her organization called on the Government of the Republic of Korea to repatriate Mr. Li, release its political prisoners, and repeal the National Security Law.

69. The United States-led relief intervention into Somalia was self-serving. The crisis had begun well before 1992. In that regard, she said that the International Committee of the Red Cross had been unsuccessfully trying since 1988 to mobilize support to prevent the very devastation that had since occurred. According to a leader of the Islamic Union, the Americans were an occupation force. The cold war might be over but the policy of increasing wealth for the few at the expense of increasing poverty for the many was the essence of the North-South contradiction.

70. In the Western Sahara, the Moroccan Government, through its security services, consistently violated the human rights of the Saharan population.

71. The struggle of the Tamil people for recognition of their right to self-determination continued to be opposed by the Sri Lankan Government. In that connection, she drew attention to the recent increase in military attacks on Tamil civilians.

72. In conclusion, she said that the persistent pattern of abuses could only end with the resolute application of a single standard. Leadership by example must be provided by the North. Only then would the Commission be able to move effectively against all violations of human rights and ensure a just peace.

73. Ms. SHAWL (All Pakistan Women's Association) said that her country was a target of Indian savagery. The followers of Rama were breaking all records of barbarity and committing unheard of atrocities. Engulfed by that bloodbath, the women of Kashmir had emerged as symbols of courage and fortitude. They were full participants in the freedom struggle and were effectively playing their role in the ongoing resistance to Indian occupation and oppression. Freedom demanded sacrifice and the women of Kashmir were being deprived of their lives and honour as the price for their freedom.

74. The Indian Government had authorized its occupation forces to abuse the dignity and honour of Kashmiri women. The Kashmiri woman had not only sacrificed her life but also her chastity, her husband, her son. Rapes were organized in full view of family members. In her part of the world, there was no professional system to support, counsel or rehabilitate rape victims, who were left to languish in their trauma.

75. The gross violations of human rights in Kashmir at the hands of the Indian occupation forces had been unchallenged. The people of Kashmir looked to the Commission for expressions of concern and condemnation of the Indian Government's disregard for human rights.

76. After describing to a number of cases in which Kashmiri women had been abused and raped by the Indian occupation forces, she said that the abuse of innocent women had become an established reality in Kashmir. In conclusion, she called on the Commission to recommend the establishment of a tribunal to investigate the crimes of the Indian forces.

77. Mr. ZHAN Daode (China), speaking in exercise of the right of reply, said that his delegation rejected the unfounded attack on the human rights situation in China made by the representative of Denmark, speaking on behalf of the EEC, and the representative of Canada. It was clear that those attacks had been made solely out of political considerations and not out of concern for human rights. The EEC was in no position to talk about human rights in China because it was some of the members of the Community that had massacred the Chinese people some hundred years prior to the founding of the new China. In the aggressive wars against China, they had killed millions of Chinese. It was therefore ironic that those countries, which had trampled on the Chinese people, were trying to teach the Chinese about respect for human rights.

78. In his statement, the representative of Denmark had referred only slightly to the serious problems of racism and xenophobia existing in the Community countries. However, those countries had no intention of engaging in self-criticism. Otherwise, they would have drawn attention to those in which racism and xenophobia existed and where efforts were being made to solve those problems.

79. Mr. AL-DOURI (Observer for Iraq), noted that a number of countries and NGOs had referred to his country. They were known for their feelings against Iraq and guilty of major human rights violations. In that regard, he said that the embargo imposed on the Iraqi people, who were composed of many nationalities, had caused hundreds of persons to die and thousands to suffer from hunger and disease. Thousands of acres of agricultural land had withered and the allied coalition forces had destroyed factories which could have improved the living standards of the people. He wondered whether the representative of Denmark, who had spoken on behalf of the EEC countries, had given any thought to the effects of the embargo on Iraq.

80. The allegations made against his country were dangerous and detrimental to its unity. He would like to know what the representative of France-Libertés had meant by referring to the need to offer protection in the northern region of Iraq and the existence of security zones in the north and south. The reference to the need for security zones was a return to colonialism under a new guise. Human rights had thus become a political tool to be used in such a way that the countries of the South which had done so much to achieve their independence could be subjected to foreign interference once again.

81. Mrs. SILVERA NUNEZ (Cuba) referred to the statement made by the representative of Denmark on behalf of the EEC countries. Despite their political power, those countries were associated with the United States in its aggression against Cuba. Such an attitude clearly did not promote genuine cooperation. Some of the EEC countries were not exactly exemplary in respect of the full exercise of human rights and she stressed her delegations's concern about the reality of the human rights situation in those countries. Some Governments conveniently forgot to mention the unemployment and discrimination against women and minorities prevailing in their countries.

Mention should also be made of the fact that the authorities made use of tear gas, water cannon and physical force in dealing with peaceful demonstrations. Her delegation was also concerned at the intolerance, chauvinism, discrimination, xenophobia and attacks against immigrants that prevailed in those countries.

82. With regard to the request by the representative of Canada that Cuba should cooperate as a member of the Commission and in accordance with its international obligations, she said that the reports prepared by various rapporteurs, experts and working groups clearly attested to the cooperation which her country maintained with international bodies. Her delegation called on Canada to respect its obligations under the relevant international instruments and to cooperate to a greater extent with regard to the restoration of the rights of the indigenous peoples in Canadian territory.

83. In conclusion, she reserved her delegation's right to provide at a subsequent stage a more detailed account of the reality of the human rights situation in some member countries of the EEC.

The meeting rose at 10 p.m.